

Deposition of Rhonda Barnes, taken May 11, 2017

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JAMES BENNY JACKSON

PLAINTIFF

VS.

NO. 3:16CV189-DMB-RP

OIL-DRI CORPORATION OF AMERICA AND
BLUE MOUNTAIN PRODUCTION COMPANY

DEFENDANTS

DEPOSITION OF RHONDA BARNES

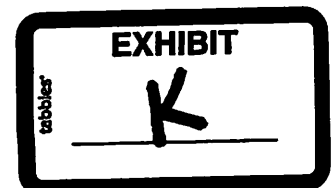
TAKEN AT THE INSTANCE OF THE PLAINTIFF
IN THE TIPPAAH COUNTY CHANCERY COURT
207 NORTH COMMERCE STREET, RIPLEY, MISSISSIPPI
ON MAY 11, 2017, BEGINNING AT 1:00 P.M.

APPEARANCES NOTED HEREIN

Reported by: KATHRYN H. BOYER, CSR #1349

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1 A. Correct. Per paperwork. That's stated in
2 FMLA paperwork.

3 Q. All right. And let me show you what's part of
4 the medical records from Dr. Wilons about his visit on
5 7-15. Do you recall receiving that regarding
6 Mr. Jackson?

7 A. (Witness reviewing document). Yes, sir. We
8 received a documentation stating that he did go to the
9 doctor that day. Whether this is the exact form -- I
10 mean, we're talking two years ago, so I mean -- but I
11 remember seeing a form to release him from his doctor
12 stating he could come back to work.

13 Q. This is a document provided by Dr. Wilons with
14 a certification of authenticity from his office.

15 A. Uh-huh (indicating yes).

16 Q. Do you have any reason to doubt this is an
17 authentic document?

18 A. No, sir.

19 Q. Okay. And do you see it talks about dust and
20 chemicals in there?

21 A. I see that.

22 Q. Okay. And going back to the request for FMLA
23 leave, Dr. Wilons does talk about being chronic
24 congestive; is that correct? Does he use the term
25 "chronic"?

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1 A. That's what the doctor used. I'm not a
2 doctor. I can't say anything. I just know what the
3 doctor's got on the FMLA papers. We granted him his
4 leave. What's the issue?

5 Q. The issue is I'm doing a deposition, ma'am,
6 and I'm asking you questions under oath and I expect
7 you to answer them.

8 A. I did, but I mean, I'm telling you it's right
9 there. You know what the doctor wrote. I'm not a
10 doctor.

11 Q. You just trying to be a smart ass or what?

12 A. No. I'm just telling you it's right there.

13 Q. I understand what's there. It's called making
14 a record. If you go to law school, you'll understand
15 what I'm doing.

16 A. Okay. If you work in my department, you'll
17 understand what I'm doing.

18 Q. I don't know what you do --

19 A. Okay.

20 Q. -- because I don't work in your department.

21 A. Okay. And I'm not a lawyer, so there we go.

22 Q. There we go. So we'll see if we can get
23 through this. And it says: He needs to be removed
24 from his work environment to avoid exposure to dust,
25 doesn't it?

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1 A. And he was. He took leave.

2 Q. I'm just asking -- the question, ma'am, is:
3 Is that what that says?

4 A. That's what it says.

5 Q. And you read this before you approved his FMLA
6 leave; is that correct? You reviewed this document
7 before you did --

8 A. Here's the thing. The document states --

9 Q. Ma'am, answer my question yes or no. Did --

10 A. Can I review these documents?

11 Q. Take whatever time you need.

12 A. Okay.

13 Q. But then you need to answer my question.

14 A. I will answer your question, but I gotta see
15 when I gave him his paperwork. Okay? Because as an
16 employee, a full-time employee, you have the right to
17 FMLA. We have to have paperwork after that date. On
18 4-27, he came to me informing me that he needed leave
19 beginning on 4-27. No. I did not receive those papers
20 on 4-27. I received them afterwards. You have a
21 certain amount of time to get them back to us.

22 Q. And you did receive this and you did read
23 this; is that correct?

24 A. Yes.

25 Q. So you knew that his doctor had -- wanted him

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1 to be removed from his work environment to avoid
2 exposure to dust.

3 A. Yes.

4 Q. And whatever time you got these documents
5 back, which is -- the doctor's dated 5-8, so we know
6 it'd be sometime after 5-8; is that correct?

7 A. Correct.

8 Q. Was Mr. Jackson qualified to be a forklift
9 driver?

10 A. I don't do qualification tests. All I can
11 tell you is the job he did. That's it. I'm not the
12 one that qualifies him for a forklift test.

13 Q. Does a person have to be qualified to be a
14 forklift driver?

15 A. Every job that we have has requirement
16 specifications.

17 Q. Who makes the decision whether he would be
18 qualified to be a forklift driver?

19 A. You would have to apply -- I mean, you would
20 have to do whatever's required for that specific job
21 and it would be the supervisor in that area.

22 Q. Okay. And who was the supervisor over the
23 forklift drivers between April of 2015 and July of
24 2015?

25 A. I'm not certain, but I think it was Charles

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1 Davis.

2 Q. Were you -- were you aware of whether or not
3 Mr. Jackson drove a -- had to be able to drive a
4 forklift in order to be a lab technician?

5 A. No, sir.

6 Q. Have you ever looked at the lab technician job
7 description?

8 A. Yes, sir.

9 Q. And can you tell me what it says for number
10 2.15.

11 A. Okay.

12 Q. Can you tell me what it says.

13 A. Retrieve additives from warehouse with
14 forklift.

15 Q. Do you agree that it's part of his job
16 description as a lab technician to --

17 A. It's part of a lab technician's job to --

18 Q. Let me finish --

19 A. -- drive a forklift according to that.

20 Q. Let me finish my question, please. Would you
21 agree that part of his job description is he has to be
22 able to drive a forklift?

23 A. That's part of the job specifications.

24 Q. Let me show you Exhibit Number 11. Who puts
25 out these job -- are you involved in putting out these